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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DIANA STINNETT, individually and
on behalf of all others similarly
situated,

Plaintiffs,

v.

SIGNATURE HOMES, INC.; and
DOES 1-10 Inclusive,

Defendant.

Case No.: 2:24-cv-10352

CLASS ACTION

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF
PURSUANT TO THE
TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. §
227, ET SEQ.

JURY TRIAL DEMANDED

**ACTION SEEKING STATEWIDE
OR NATIONWIDE RELIEF**

INTRODUCTION

1. DIANA STINNETT (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Signature Homes, Inc. (“Defendant”), in negligently contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, (“TCPA”) and related regulations. Plaintiff alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

1 2. The TCPA was designed to prevent calls and messages like the ones
2 described within this complaint, and to protect the privacy of citizens like Plaintiff.
3 “Voluminous consumer complaints about abuses of telephone technology – for
4 example, computerized calls dispatched to private homes – prompted Congress to
5 pass the TCPA.” Mims v. Arrow Fin. Servs., LLC, 132 S. Ct. 740, 744 (2012).

6 **JURISDICTION AND VENUE**

7 3. Jurisdiction is proper under 28 U.S.C. § 1331 because this action
8 arises under a federal statute, namely the Telephone Consumer Protection Act, 47
9 U.S.C. § 227, *et seq.*

10 4. Venue is proper in the United States District Court for the Central
11 District of California pursuant to 18 U.S.C. § 1391(b)(2) because a substantial part
12 of the events or omissions giving rise to Plaintiff’s claims occurred within this
13 district.

14 **PARTIES**

15 5. Plaintiff is, and at all times mentioned herein, was a natural individual
16 and resident of the State of California, County of Los Angeles. Plaintiff is, and at
17 all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).
18 Plaintiff was physically in California at the time she received the alleged phone
19 calls from Defendant.

20 6. Plaintiff is informed and believes, and thereon alleges, that Defendant
21 is a corporation of the State of California. Defendant, and all of its agents, are and
22 at all times mentioned herein were “persons,” as defined by 47 U.S.C. § 153(39).
23 Plaintiff alleges that at all times relevant herein Defendant conducted business in
24 the State of California and in the County of Los Angeles, and within this judicial
25 district.

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FACTUAL ALLEGATIONS

7. Beginning in or around July of 2024, Defendant contacted Plaintiff on Plaintiff's cellular telephone number ending in -8759, in an attempt to solicit Plaintiff to purchase Defendant's services.

8. Plaintiff answered one such call and requested to be removed from Defendant's list and to stop calling her.

9. Despite Plaintiff's request to be added to Defendant's do-not-call list, Defendant continued to place calls to Plaintiff's cellular telephone without her consent.

10. Further, Plaintiff's cellular telephone number ending in -8759 was added to the National Do-Not-Call Registry since 2019.

11. Plaintiff received at least two solicitation phone calls from Defendant after requesting that Defendant stop calling her.

12. Such calls constitute solicitation calls pursuant to 47 C.F.R. § 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

13. Plaintiff received numerous solicitation calls from Defendant within a 12-month period.

14. Plaintiff's requests that Defendant calling her constitute a request that he be placed on defendant's internal do-not-call list.

15. Upon information and belief and based on Plaintiff's experiences of being called by Defendant after requesting they stop calling her, and at all relevant times, Defendant does not maintain a written policy, available upon demand, for maintain a do-not-call list, as required by 47 C.F.R. § 64.1200(d)(1).

16. Plaintiff further alleges that Defendant does not train its employees who are engaged in telemarketing in the existence and use of any do-not-call list, as required by 47 C.F.R. § 64.1200(d)(2).

17. On information and belief, Defendant failed to place Plaintiff on the do-not-call list, despite her request to no longer be called by Defendant. Instead,

1 Defendant continued to call to Plaintiff's cellular telephone, in violation of 47
2 C.F.R. § 64.1200(d)(3).

3 18. These calls by Defendant, or its agents, violated 47 U.S.C. §
4 227(b)(1).

5 **CLASS ACTION ALLEGATIONS**

6 19. Plaintiff brings this action on behalf of herself and on behalf of and all
7 others similarly situated, as a member of the three proposed Classes (hereafter,
8 jointly, "The Classes").

9 20. Plaintiff represents, and is a member of, the National Do-Not-Call
10 Class (hereinafter "National DNC Class") defined as follows: All persons within
11 the United States registered on the National Do-Not-Call Registry for at least 30
12 days, who received more than one call by or on behalf of Defendant that promoted
13 Defendant's products or services within any twelve-month period, within four
14 years prior to the filing of this Complaint through the date of class certification.

15 21. Plaintiff represents, and is a member of, the Internal Do-Not-Call
16 Class (hereinafter "Internal DNC Class") defined as follows: All persons within the
17 United States who requested that Defendant stop calling them, and who, after
18 requesting Defendant stop calling them, received more than one call or message by
19 or on behalf of Defendant that promoted Defendant's products or services within
20 any twelve-month period, within four years prior to the filing of this Complaint
21 through the date of class certification.

22 22. Defendant, its employees and agents are excluded from the Classes.
23 Plaintiff does not know the number of members in the Classes, but believes the
24 Class members number in the thousands, if not more. Thus, this matter should be
25 certified as a Class action to assist in the expeditious litigation of this matter.

26 23. This suit seeks only damages and injunctive relief for recovery of
27 economic injury on behalf of the Classes, and it expressly is not intended to request
28 any recovery for personal injury and claims related thereto. Plaintiff reserves the

1 right to expand the Class definitions to seek recovery on behalf of additional
2 persons as warranted as facts are learned in further investigation and discovery.

3 24. The joinder of the Classes' members is impractical and the disposition
4 of their claims in the Class action will provide substantial benefits both to the
5 parties and to the court. The Classes can be identified through Defendant's records
6 or Defendant's agents' records.

7 25. Plaintiff and members of the National DNC Class were harmed by the
8 acts of Defendant in at least the following ways: Defendant illegally contacted
9 Plaintiff and National DNC Class members via their telephones for solicitation
10 purposes, thereby invading the privacy of said Plaintiff and the National DNC Class
11 members whose telephone numbers were on the National Do-Not-Call Registry.
12 Plaintiff and the National DNC Class members were damaged thereby.

13 26. There is a well-defined community of interest in the questions of law
14 and fact involved affecting the National DNC Class members. The questions of
15 law and fact common to the National DNC Class predominate over questions which
16 may affect individual National DNC Class members, including the following:

- 17 a. Whether, within the four years prior to the filing of this Complaint
18 through the date of class certification, Defendant or their agents placed
19 more than one telemarketing/solicitation calls to National DNC Class
20 members whose telephone numbers were on the National Do-Not-Call
21 Registry;
- 22 b. Whether Defendant maintains proper procedures and policies on the
23 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
- 24 c. Whether Plaintiff and the National DNC Class members were
25 damaged by Defendant's conduct, and the extent of damages for such
26 violations; and
- 27 d. Whether Defendant and their agents should be enjoined from
28 engaging in such conduct in the future.

1 27. As a person that received solicitation telephone calls from Defendant
2 within a 12-month period, and whose phone number was registered on the National
3 Do-Not-Call Registry, Plaintiff is asserting claims that are typical of the National
4 DNC Class. Plaintiff will fairly and adequately represent and protect the interests
5 of the National DNC Class in that Plaintiff has no interests antagonistic to any
6 member of the National DNC Class.

7 28. Plaintiff and members of the Internal DNC Class were harmed by the
8 acts of Defendant in at least the following ways: Defendant illegally contacted
9 Plaintiff and Internal DNC Class members via their telephones for solicitation
10 purposes, thereby invading the privacy of said Plaintiff and the Internal DNC Class
11 members who had requested that Defendant stop contacting them. Plaintiff and the
12 Internal DNC Class members were damaged thereby.

13 29. There is a well-defined community of interest in the questions of law
14 and fact involved affecting the Internal DNC Class members. The questions of law
15 and fact common to the Internal DNC Class predominate over questions which may
16 affect individual Internal DNC Class members, including the following:

- 17 a) Whether, within the four years prior to the filing of this Complaint
18 through the date of class certification, Defendant or their agents placed
19 more than one telemarketing/solicitation telephone calls to Internal
20 DNC Class members who had previously requested that Defendant
21 stop contacting them;
- 22 b) Whether Defendant maintains proper procedures and policies on the
23 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
- 24 c) Whether Plaintiff and the Internal DNC Class members were damaged
25 by Defendant's conduct, and the extent of damages for such
26 violations; and
- 27 d) Whether Defendant and their agents should be enjoined from
28 engaging in such conduct in the future.

30. As a person that received numerous solicitation telephone calls from
Defendant within a 12-month period, and who had previously requested that
Defendant stop contacting her, Plaintiff is asserting claims that are typical of the
Internal DNC Class. Plaintiff will fairly and adequately represent and protect the

1 interests of the Internal DNC Class in that Plaintiff has no interests antagonistic to
2 any member of the Internal DNC Class.

3 31. Plaintiff and the members of the Classes have suffered irreparable
4 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a class
5 action, the Class members will continue to face the potential for irreparable harm.
6 In addition, these violations of law will be allowed to proceed without remedy and
7 Defendant will likely continue such illegal conduct. Because of the size of the
8 individual member's claims, few, if any, members of the Classes could afford to
9 seek legal redress for the wrongs complained of herein.

10 32. Defendant, its employees and agents are excluded from the Classes.
11 Plaintiff does not know the number of members in the Classes, but believes the
12 Class members number in the thousands, if not more. Thus, this matter should be
13 certified as a Class action to assist in the expeditious litigation of this matter.

14 33. This suit seeks only damages and injunctive relief for recovery of
15 economic injury on behalf of the Classes, and it expressly is not intended to request
16 any recovery for personal injury and claims related thereto. Plaintiff reserves the
17 right to expand the Class definitions to seek recovery on behalf of additional
18 persons as warranted as facts are learned in further investigation and discovery.

19 34. The joinder of the Class members is impractical and the disposition of
20 their claims in the Class action will provide substantial benefits both to the parties
21 and to the court. The Classes can be identified through Defendant's records or
22 Defendant's agents' records.

23 35. Plaintiff has retained counsel experienced in handling class action
24 claims and claims involving violations of the Telephone Consumer Protection Act.

25 36. A class action is a superior method for the fair and efficient
26 adjudication of this controversy. Class-wide damages are essential to induce
27 Defendant to comply with federal and California law. The interest of the Class
28 members in individually controlling the prosecution of separate claims against

1 Defendant are small because the maximum statutory damages in an individual
2 action for violation of privacy are minimal. Management of these claims is likely
3 to present significantly fewer difficulties than those presented in many class claims.

4 37. Defendant has acted on grounds generally applicable to the Classes,
5 thereby making appropriate final injunctive relief and corresponding declaratory
6 relief with respect to the Classes as a whole.

7 **FIRST CAUSE OF ACTION**
8 **NEGLIGENT VIOLATIONS OF THE**
9 **TELEPHONE CONSUMER PROTECTION ACT**
10 **47 U.S.C. § 227(c)**

11 **ON BEHALF OF THE NATIONAL DNC AND INTERNAL DNC CLASS**

12 38. Plaintiff incorporates by reference all of the above paragraphs of this
13 Complaint as though fully stated herein.

14 39. The foregoing acts and omissions of Defendant constitute numerous
15 and multiple negligent violations of the TCPA, including but not limited to each
16 and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular
17 47 U.S.C. § 227(c)(5).

18 40. As a result of Defendant's negligent violations of 47 U.S.C. § 227(c),
19 Plaintiff and the National DNC Class and the Internal DNC Class members are
20 entitled to an award of \$500.00 in statutory damages, for each and every violation,
21 pursuant to 47 U.S.C. § 227(c)(5)(B).

22 41. Plaintiff and the National DNC Class and the Internal DNC Class
23 members are also entitled to and seek injunctive relief prohibiting such conduct in
24 the future.

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**SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227(c)**

ON BEHALF OF THE NATIONAL DNC CLASS AND THE INTERNAL DNC CLASS

42. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

43. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular 47 U.S.C. § 227(c)(5).

44. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c), Plaintiff and the National DNC Class and the Internal DNC Class members are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

45. Plaintiff and the National DNC Class and the Internal DNC Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and members of The National and Internal DNC Classes, the following relief against Defendant:

**FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227(c)**

- As a result of Defendant's negligent violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each national DNC Class and Internal DNC Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATION OF
THE TCPA, 47 U.S.C. § 227(c)**

- As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each National DNC Class and Internal DNC Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B) and 47 U.S.C. § 227(c)(5)(C).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

46. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: December 2, 2024

Respectfully submitted,

THE LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
TODD M. FRIEDMAN, ESQ.
ATTORNEY FOR PLAINTIFF